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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Chatterjee et al.

Art Unit: 2672

Application No. 09/541,458

Filed: March 31, 2000

Confirmation Number: 3666

For: DISPLAY OF IMAGES WITH
TRANSPARENT PIXELS

Examiner: Mark Zimmerman

Date: September 18, 2003

COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

CERTIFICATE OF MAILING

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service on September 18, 2003 as First Class Mail in an envelope addressed to: COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450.

Stephen A. Wight
Stephen A. Wight
Attorney for Applicant

RECEIVED

SEP 30 2003

Technology Center 2600

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT
OFFICE ACTION NOT RECEIVED**

I hereby petition to withdraw the holding of abandonment in this case, on the basis that the Office action forming the basis of the abandonment was not received.

I hereby state:

- (a) The Office action indicated as having been mailed on January 16, 2003, was not received by Klarquist Sparkman LLP.
- (b) A search of the file jacket and the docket records in my office indicates that this Office action was not received.

Attached as Exhibit A is a copy of the electronic docket record where the non-received Office action would have been entered had it been received and docketed.

As additional evidence of non-receipt of the Office action, also attached are:

- ☒ Exhibit B: A copy of the paper docket book pages for July 16, 2003 (i.e., the six-month due date for the non-received Office action) showing entries for other correspondence mailed from the PTO (1) that was received by Klarquist Sparkman LLP and (2)

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SEP 25 2003

OFFICE OF PETITIONS

also had a January 16, 2003 due date. Note that there is no indication of the non-received Office action.

- ☒ Exhibit C: A three-page document explaining the regular procedures followed by Klarquist Sparkman LLP for docketing response dates based on mail received from the PTO. Item 1 relates to sorting of the mail, Item 2 relates to identifying response due dates and logging them as electronic docket (i.e., Pro-Law) entries, and Item 3 relates to logging response due dates on the paper docket book pages.

In consideration of these submissions, it is respectfully requested that the holding of abandonment be withdrawn.

A check in the amount of \$130.00 is attached to cover the petition fee.

The Director is hereby authorized to charge any additional fees that may be required in connection with filing this petition and any extension of time, or credit any overpayment, to Deposit Account No. 02-4550. A copy of this petition is enclosed.

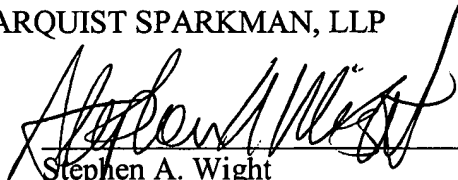
It is respectfully submitted that no fee for this petition should be required because the Office action was not received. Accordingly, a refund of the petition fee is also requested.

Please return the enclosed postcard to confirm that the items listed above have been received.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By

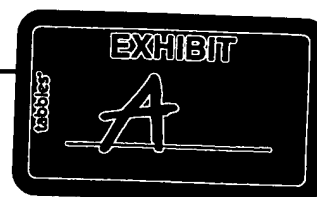

Stephen A. Wight
Registration No. 37,759

One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204
Telephone: (503) 226-7391
Facsimile: (503) 228-9446

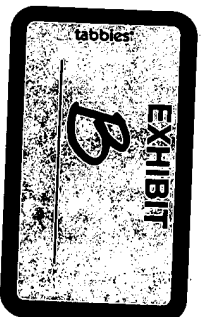
cc: Patent Group Docketing (142478.1)
Docketing

DOCKET REPORT

Event Date	Completion Date	Notes
Matter ID: 3382-59152		
7/4/2001	6/18/2001	Check, POA Postcard Returned
10/27/2001	10/11/2001	Check, status inquiry Postcard Returned
12/4/2001	6/27/2001	Check, POA Status
3/27/2002	11/1/2001	Check, inquiry letter status-reply rec'd 10/16/01
5/29/2002	10/24/2002	Due, Office action report to MS
6/5/2002	10/24/2002	Due, IDS in related applications
6/22/2002	9/23/2002	Due, submit draft response to MS
8/22/2002	10/22/2002	Due, non-final action response (due date)
9/22/2002	10/22/2002	Due, non-final action response (1M extension)
10/21/2002	10/24/2002	End of MS review period
10/22/2002	10/24/2002	End of MS review period
10/22/2002	10/22/2002	Due, non-final action response (2M extension)
11/22/2002	10/22/2002	Deadline, non-final action response
11/22/2002	11/5/2002	Check, Amendment Postcard Returned
4/22/2003		Check, Amendment Status
9/26/2003		Deadline, file staement of substance of



YEAR 2003



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DAY: DATE: 16 MONTH: July

CLIENT- DOCKET	ATTY NAME	NAME OR TITLE	NATURE OF RESPONSE DUE	ATTY	REMARKS	DATE RESPONSE MADE	COUNTRY APPL. #
346							09/11/02
37542	Brook Medung		Renewal due	BKL		07/06/13/02	Taiwan
4897							
41491	Research Seeds		sec 8/15 due 7/15/03		reminded		US
4473							
43296	Progen Valley				reminded		US
5264							
46219	John Carey				reminded		US
1134							
50833	Catch the Wind				reminded		US
23	Banella						
62311	Phosphoprotein		30 m entry	VP	LRC	07/02/02 SIB	8/16/03 PCT
6395	CDC						
62578	One paw system		acceptance dead	JBH			US Africa
6690	MAISON, K						
69336		AQUIFER VANE	Deadline, 15-15-02	DFP			US

YEAR: 2003

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DAY: _____ DATE: 16 MONTH: July

CLIENT- DOCKET	NAME OR TITLE	NATURE OF RESPONSE DUE	ATTY.	COUNTRY APPL. #
6427	Asystemate			
64062	m of using a replacement...	Dead, FF	RFS	✓ US
4641	Nikon			
59018	09/942, 519	Dead, Response 014	DL5	✓ US
899	OHSA	ms 579		
58725	09/8as, 243	Dead, Response 1F 014	SMS	US
23	Battelle	ms 711		
64955	Thermogelling Oligopeptide Polymers	Due, precautionary des.	LMC	✓ PCT
2772	Columbia Steel Casting Co.			
52283	Tooth Assembly & Lock System	Due, ms 711	HL5	✓ Canada
533	Advanced hydrolyzing			
37487	push. for producing Proteomacous...	Due, ms 711	DL5	✓ Canada
899	OHSA	ms 711		
64967	Enhancement of Hematopoiesis	Due, caution precautionary des.	SMS	✓ PCT
71239	NIA	ms 711		
647185	Human Gene Clinical Feasibility	Due, Utility 105	HL5	✓ US

YEAR: 2003

7/16/03

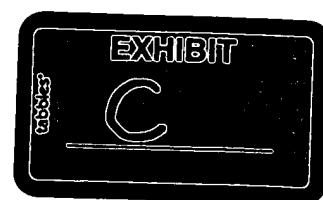
PAGE: 3

DAY: DATE: 16 MONTH: July

CLIENT DOCKET	NAME OR TITLE	NATURE OF RESPONSE DUE	ATTY.	COUNTRY APPL. #
4239	NIH			
58576	Rapid Fluorescent Cath...	Due, non-final OH	TMH	US
4354	Interlab	Pr 01		
58828	Xanthone Analogs...	Due, formal drawings	SCS	US
58828	Xanthone Analogs...	Dead, issue fee	SCS	US
4244	David Smith			
61649	ESAPIO	Due, Statement of Use	DPD	US
10047	Micron			
57928	Integrated Circuits	Due, non-final OH	MJ	US
10541	Appt			
100628	Exameth for Automatic	Due, Appeal Brief	GLM	US
5332	MS	Pr 01		
51016	Sprint Corning	Dead, fee divisional app	PRC	PRC
6841	John Plosser	Pr 01		
65954	TM Powerplane 4 Design	Dead, submit PDA	ARC	S. Kozlov

Docketing Mail with Response Dates

1. When mail is received from the Managing Partner the Docketing Supervisor or the Lead Docketing Clerk sorts it. The mail is sorted into the following groups:
 - A. Mail without response dates is sent directly on. Please see specifics of mail sorting on previous page.
 - B. Patent and trademark mail to be docketed. See further instructions below.
 - C. Filing receipts go directly to the Docketing Clerk Basket.
2. Each piece of patent or trademark mail with a response date is stamped with the green docket stamp; all response dates are recorded in the Pro-Law matter and on the docket stamp. The person completing this portion checks the "Computer" space on the docket stamp. The client name and responsible attorney's initials are written in the upper right corner of the document.
 - A. Establish matter type: patent, trademark, foreign or domestic.
 - B. Identify correspondence: 3-month non-final office action, notice of allowance, final office action, etc.
 - C. Refer to specific directions for that correspondence.
3. The mail is then given to a different person in Docketing to enter the information into the docket books. The person completing this step checks the "Book" space on the docket stamp.
 - A. Each entry is two lines and each matter is entered with a separate two-line entry.
 - B. The first line of the entry contains the client number in the first column and is followed by the exact client name in the next column.
 - C. The second line of the entry contains the matter number and is followed by the exact matter title in the next column.
 - D. The next column is the "Nature of Response Due"; this is one entry but can use both lines of the column. This should be the exact description entered into the Pro-Law Event for the matter.
4. When the mail has been reviewed and all necessary dates docketed in the Pro-Law system and written into the docket books, the front page (or additional pages if necessary for docket info) is photocopied. The "Drawer" space is checked on the docket stamp. A second copy is made of the US Notice of Allowance, which is sent to accounting, and the "BKPR" space is checked on the docket stamp.
5. The photocopies are then placed in the basket for checking on the Add report the next morning.



Docketing Mail with Response Dates

6. Mail is then forwarded to the File Clerks for delivery to addressee. Any discrepancies, such as changes in docket numbers or attorney should be noted and confirmed in the Pro-Law system.
7. Mail must be forwarded to the addressee the same day it is received. It is our goal to have mail to the cart by 3PM everyday. The file clerks are notified by a dated note on the cart that mail is ready to be separated and delivered. If it is not possible to complete all of the steps above the mail should be copied (front page and any additional pages necessary for docketing purposes) for processing. The copies are returned clipped to the originals to ensure everything is copied. Originals are then separated and marked "Docketed Copy to Follow." The originals are then given to the File Clerk for distribution. The copies then are processed through steps 1-6 above.
8. The photocopies are then checked against an "Add/Edit" report to make sure all information is correct. The report should be run in the morning for the previous day so all additions or changes are captured. These reports are then filed and kept for two months.
9. Any deviation from these guidelines must be approved in writing.

Office Actions:

These are correspondence from the USPTO requiring a response within a prescribed time period; 30 days, 1 month, 2 months or three months (six months for TM's) Extensions may be available.

US Patent Office Actions:

- Look up matter in ProLaw, write the client name and responsible attorney on cover page.
- Confirm all information in patent tab: application number, etc.
- Confirm if action is "Final" or Non-final"
- Confirm period of office action; 30 day, 1,2, or 3 months.
- In events tab, confirm correct rule set.
- Enter mailing date and type (3m oa= 3 month non-final office action)
- Stamp cover page and list due date and deadline only, except for final OA where the 2 month rule is listed in single quotes.
- Send to responsible attorney.

US Trademark Office Actions:

- Look up matter in ProLaw, write client name and responsible attorney on cover page.
- Confirm all information in trademark tab: serial number, applicant, and mark.
- Confirm if action is "Final", "Priority" or regular.
- In events tab, confirm correct rule set.
- Enter mailing date and type (priority oa= priority office action)
- Stamp cover page and list due date and check status date in single quotes (For a priority action the 2 month due date, six month deadline are both docketing dates. For a final action the three-month reminder is written in single quotes).
- Send to responsible attorney.